

Tab #80 (4.2)

CALIFORNIA'S REGIONAL TRANSPORTATION PLANNING AGENCIES

April 30, 2002

Ms. Dianne McKenna
Chair
California Transportation Commission
P.O. Box 942873
Sacramento, CA 94273-0001

Re: Regional Agencies' Report on Air Quality Conformity

Chair McKenna:

The Regional Agencies are pleased to provide a brief presentation to the Commission at your May 9, 2002 meeting regarding air quality conformity. As you are aware, the entire air quality conformity process is very complex and technical. This is compounded by the numerous agencies and intertwined relationships involved with balancing air quality and transportation needs. Our presentation will provide a basic understanding of the conformity challenges facing regional agencies, and what this means to the Commission as well.

We thought it would be helpful to provide the Commission with some information in advance of this meeting. This information will help the Commissioners understand the agency interaction, and reduce the actual presentation length.

To illustrate the type of conformity problems the Regional Agencies face, I have included a set of letters that follows one situation (Fresno County). These letters also exemplify the complexity of the conformity process. The bottom line issue deals with Air Resources Board model data. This issue is of statewide significance; Fresno simply happened to be the first up on the review list to be hit with this problem formally. The letter series, summarized, includes:

- **February 1 letter to Governor Davis from the U.S. Department of Transportation** - notifying the Governor of a potential February 24 conformity lapse in Fresno due to vehicle age and fleet mix data contained in the emissions model used for analysis.
- **February 11 letter to U.S. Department of Transportation (FHWA version) from the Council of Fresno County Governments** - protesting the pending conformity lapse, noting that the only model available for analysis was provided by the Air Resources Board and approved by EPA for use. Further, the questionable data was encoded within the model, with no ability to change the code. Other concerns regarded the process and timing.

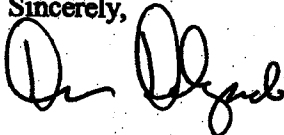
RTPA website - www.octa.net/rtpa/index.asp

c/o Orange County Transportation Authority (OCTA), P.O. Box 14184 Orange, CA 92863-1584
phone: (714) 560-5744 fax: (714) 560-5794 e-mail: ddelgado@octa.net

- **February 19 letter to U.S. Department of Transportation from Caltrans** - supporting the case presented by Fresno, that they complied with the letter and the spirit of the applicable laws and guidance.
- **February 20 letter to U.S. Department of Transportation from Air Resources Board** - clarifying that the Air Resources Board model used for conformity analysis was the appropriate tool. Further notes the pending statewide need to revise State Implementation Plans with a new Air Resources model, that would also then be used by the transportation agencies for analysis.
- **February 22 letter to Council of Fresno County Government from U.S. Department of Transportation** - resolving the February 24 conformity lapse for Fresno (and several others next on the list), but noting that a new Federal Transportation Improvement Program (FTIP) must be submitted by October 6, 2002, with a new conformity determination. This date refers to when the Statewide FTIP expires, bringing the issue full circle back to statewide impact.
- **April 8 letter to Air Resources Board from U.S. Department of Transportation** - agreeing that a long-term mechanism for addressing emission changes is through revisions to the State Implementation Plans, but U.S. Department of Transportation cannot support the delay of incorporating more recent vehicle age and fleet mix data into the ARB model used for conformity until air plans are updated. Requests ARB response by April 15 on a date that more recent data can be incorporated into conformity analysis tools.

We appreciate the Commission's interest in this very important matter; one that has serious implications in the delivery of much needed transportation improvements across the State. We look forward to our presentation on May 9, 2002 and will be glad to address any further questions or requests for information from the Commission.

Sincerely,



Dean Delgado
Moderator, Regional Transportation Planning Agencies

RTPA website - www.octa.net/rtpa/index.asp

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U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
980 Ninth Street, Suite 400
Sacramento, CA. 95814

February 1, 2002

IN REPLY REFER TO
HDA-CA
Document #: 37915

The Honorable Gray Davis
Governor of California
State Capitol Building
Sacramento, CA 95814

Dear Governor Davis:

The purpose of this letter is to provide you with notification of the potential for a conformity lapse on the Council of Fresno County Government's (COFCG) 1998 Regional Transportation Plan (RTP) and the 2001 Federal Transportation Improvement Program (FTIP) on February 24, 2002.

Federal regulations require that a new RTP be adopted and found to conform to the Clean Air Act requirements every three years. The COFCG 1998 RTP was accepted and found to conform by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) on February 24, 1999.

The potential for a conformity lapse is related to the vehicle age and fleet mix data contained in the EMFAC7F/G emissions model. On January 18, 2001, the Environmental Protection Agency (EPA) and the US Department of Transportation issued a joint memorandum containing guidance on the use of the latest planning assumptions, including vehicle age and fleet mix data, in conformity determinations. The EMFAC7F/G emissions model does not use the most current available data on vehicle age and fleet mix. The vehicle age and fleet mix contained in the EMFAC7F/G model is from the early 1990's. More current data is available and has been used by the California Air Resources Board (CARB) in subsequent versions of the EMFAC model. The current data reflects significant changes in vehicle age and fleet mix.

COFCG has developed a new 2002 RTP and used the EMFAC7F model in the conformity determination for the new RTP. Since the EMFAC7F/G model does not reflect the most currently available data on vehicle age and fleet mix, FHWA and FTA cannot make a conformity finding on the new Plan.

To avoid the conformity lapse, a methodology to incorporate the most current vehicle age and fleet mix data into the conformity determination must be developed. FHWA, FTA, and EPA have been working with CARB and other affected air quality and transportation agencies to assist in resolving this issue. FHWA, FTA, and EPA are open to consideration of all potential options for resolving this issue as expeditiously as possible.

On January 2, 2002, FHWA and FTA issued revised conformity guidance. Under the revised guidance, a conformity lapse of the COFCG's 1998 RTP and the 2001 FTIP precludes the approval of Federal projects and regionally significant non-Federal projects in Fresno County, except for the following categories of projects:

- 1) Exempt projects, as defined in the EPA Transportation Conformity Rule (40 CFR 93.126 and 93.127);
- 2) Transportation Control Measures in approved State Implementation Plans, and
- 3) For FHWA-funded projects, project phases (i.e., design, right-of-way acquisition, or construction) that received funding commitments or an equivalent approval or authorization prior to a conformity lapse may continue during the lapse. The execution of a project agreement (which includes Federal approval of the plans, specifications, and estimates) indicates funding commitment.
- 4) For FTA, the largest projects are handled with a full funding grant agreement (FFGA). If the FFGA was executed prior to a conformity lapse, the project can continue to utilize Federal funding during the lapse. If the FFGA was not completed by the date of the lapse, the project sponsor may only complete the current stage of project development (e.g., final design or land acquisition), but may not use Federal funds to proceed further. Transit projects not handled with FFGAs may proceed during a lapse if, prior to the lapse, FTA approved a grant and the project sponsor awarded a contract for construction or vehicle acquisition. If a local contract was not approved by the date of the lapse, the project sponsor may only complete the current stage of project development with Federal funds.

For all other projects FHWA and FTA may not make any new project approvals. Similar funding and project development restrictions would be placed on regionally significant, non-Federal projects within Fresno County where the project sponsors are recipients of Federal transportation funds.

FHWA and FTA believe there is potential to resolve the EMFAC7F/G issues related to the vehicle age and fleet mix data contained in the model and avoid, or minimize the length, of a conformity lapse on February 24, 2002. We will continue to work closely with all of the affected air quality and transportation agencies to assist in resolving these issues as expeditiously as possible.

If you have any questions, please contact Mr. Dennis Scovill, FHWA, at (916) 498-5034 or Mr. Ray Sukys, FTA, at (415) 744-3133.

Sincerely,

/s/Leslie T. Rogers
Leslie T. Rogers
Regional Administrator
Federal Transit Administration

/s/ Michael G. Ritchie
Michael G. Ritchie
Division Administrator
Federal Highway Administration

cc:

Barbara Goodwin, COFCG
Jack Broadbent, EPA-9
Michael Kenny, CARB
Jeff Morales, Director, Caltrans
Jim Shrouds, FHWA Hq
Tom Jordon, SJVAPCD
Dick Petrie, Caltrans Hq, Federal Resources

bc:

Mike Brady, Caltrans Hq, Environmental Program
Greg Wong, Caltrans Hq, Programming
EarthMatters, Barbara Joy
Karina O'Connor, EPA
Tom Berhite, EPA
J. Mike Leonardo, Director, Caltrans, District 6
Dana Cowell, Caltrans, District 10



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Website Address: www.fresnocog.org

February 11, 2002
37915

RE: HDA-CA, Document #:

Michael G. Ritchie, California Division Administrator
Federal Highway Administration
920 Ninth Street, Suite 400
Sacramento, CA 95814

Dear Mr. Ritchie:

On behalf of our member agencies, I urge you to immediately address and resolve the potential for a conformity lapse in Fresno County by February 24, 2002. The Council of Fresno County Governments' 2001 RTP and associated conformity analysis for it and our FTIP have been submitted and are awaiting your action.

As you know, vehicle age and fleet mix data is contained within the computer code of California Air Resources Board's (CARB) EMFAC7F/G emissions model; therefore, the Council of Fresno County Governments is unable to update it. The EMFAC7F/G emissions model is also the EPA approved model for use in conformity determinations within the San Joaquin Valley Air Basin (see enclosed 4/16/1998 EPA approval letter for use of EMFAC7F/7G). CARB has never submitted an emission model to EPA for their approval for use within the San Joaquin Valley Air Basin subsequent to EMFAC7F/7G.

The February 1 letter to the Governor references more current, and available data, which has been used by CARB in subsequent versions of EMFAC. The 1/18/2001 guidance states,

"Using the 'latest' assumptions means that the conformity determination is based on the most current information that is available to State and local planners (e.g., the MPO or other agency can obtain the information from another agency, the information is appropriate for the current conformity determination, the information is readily transferable for use in transportation and/or emissions modeling, etc.)"

Member Agencies: The cities of Clovis, Coalinga, Firebaugh, Fowler, Fresno, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, San Joaquin, Sanger, Selma & Fresno County

EMFAC2000 was approved (see enclosed FR Vol. 67, No. 8, Pg. 1465) for use by the Bay Area only, and is referred to as the SF Bay Area-EMFAC2000 model by CARB. EPA clearly states in its 1/11/2002 approval of EMFAC2000 for the Bay Area that, "From now until the end of such a grace period, nonattainment and maintenance areas outside the Bay Area can continue to use EMFAC7F and EMFAC7G as appropriate for new conformity analyses." Further, Fresno COG staff has been working with a draft of EMFAC2001 and has found a significant error in the number of vehicle trips it contains for Fresno County. Considering it is a known fact by EPA, FHWA, and MPOs throughout the state that vehicle age and fleet mix data cannot be changed in EMFAC7F/7G, EMFAC2000 is only allowed to be used by the Bay Area, and EMFAC2001 has not been released for official use, is untested and obviously needs additional technical review, it is unfathomable that FHWA considers the data to be "available!"

Michael G. Ritchie

February 11, 2002

Page 2

The 1/18/2001 latest planning assumptions guidance also states,

"The interagency consultation process must be used to determine which planning assumptions are considered the latest and best assumptions for conformity determinations. The 40 CFR 93.105(c)(1)(i) specifically requires that the interagency consultation process be used to evaluate and choose assumptions to be used in conformity analyses."

Not only has FHWA/FTA not used the interagency consultation process to raise any questions on our vehicle age and fleet mix data, but in your letter of October 25, 2001 (HAD-CA, file #1040.2, document #S37064) commenting on the Fresno COG Draft RTP Conformity Determination, there is no mention of FHWA questions or concerns regarding vehicle age and fleet mix data.

The Council of Fresno County Governments' 2001 RTP and FTIP and associated conformity analysis was completed and adopted by the Fresno COG Board in November 2001 prior to EPA's approval of EMFAC2000 for the Bay Area. The 2001 latest planning assumptions guidance states the answer to the following question:

"Does a revision in latest planning assumptions trigger a new conformity determination? No. A new regional emissions analysis and conformity determination would not be required solely to incorporate revised planning assumptions. Although revisions to planning assumptions would not trigger a conformity determination, future conformity determinations and supporting analyses must include the revised assumptions."

In addition, FHWA and FTA's California Division is not following their own 1/2/2002 guidance document on transportation conformity. The guidance states that meetings between FHWA, FTA and EPA will occur six months prior to a potential lapse and then again ninety days before a conformity lapse to evaluate consequences, assess concerns, determine which projects could receive funding commitments before the lapse, and which projects could potentially be delayed, and actions necessary to correct the lapse (see paragraph 8 of guidance document).

The Council of Fresno County Governments is willing to assist in a resolution, but in the current situation we have no control over the technical tools available to perform our conformity determinations. In the mean time, our member agency transportation projects

are going to be held hostage until FHWA, FTA, EPA, and CARB find a solution to this untenable situation.

Sincerely,

TRINIDAD M. RODRIGUEZ, Board Chairman
Council of Fresno County Governments

CC: Governor Gray Davis
Secretary Maria Contreras-Sweet, Business, Transportation and Housing Agency
Fresno County Legislative Delegation & Fresno County Congressional Delegation
US Senator Dianne Feinstein & US Senator Barbara Boxer
Jeff Morales, Director of Caltrans
John Ferrara, Business, Transportation and Housing Agency
Michael Leonardo, Caltrans District 6
CalCOG and MPOs

DEPARTMENT OF TRANSPORTATION**OFFICE OF THE DIRECTOR**

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*Flex your power!
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February 19, 2002

Michael G. Ritchie, California Division Administrator
Federal Highway Administration
920 Ninth Street, Suite 400
Sacramento, CA 95814

Leslie T. Rogers, Regional Administrator
Federal Transit Administration
201 Mission Street, Room 2210
San Francisco, CA 94105-1839

Dear Messrs. Ritchie and Rogers:

On February 1, 2002, you sent a letter to Governor Davis advising that the Fresno area would go into air quality conformity lapse on February 24, 2002. This would happen because you believed that the Council of Fresno County Governments (COFCG) had failed to use the "latest planning assumptions" in performing the analysis required to demonstrate that their transportation plan conforms to approved plans to attain clean air. A conformity lapse, with its restriction of federal funding, would significantly and adversely affect our ability to implement transportation improvements in the greater Fresno area. These improvements are key to relieving congestion, reducing air pollution, and advancing California's interests in a sound economy and improved quality of life.

The COFCG wrote to you on February 11, 2002 outlining why they believe they have complied with Clean Air Act, and relevant conformity regulations and guidance, including the January 18, 2001 Federal Highway Administration, Federal Transit Administration, U.S. Environmental Protection Agency joint memorandum "Use of Latest Planning Assumptions in Conformity Determinations." In their letter, COFCG makes a compelling case that:

- Their use of the EMFAC7F/G air pollutant emissions model in the conformity analysis was appropriate. Although more current data on such factors as vehicle fleet mix, age and usage is becoming available, EMFAC7F/G represented the latest available approved emissions assumptions.

- The issue on EMFAC7F/G not representing "latest available planning assumptions" was not raised during the interagency consultation required by the conformity process. While this still would not alter the above conclusions regarding emissions model availability, the purpose of consultation is to ensure all parties participate constructively throughout the conformity analysis, timely raise and carefully resolve issues, and avoid "last minute surprises."

Your letter to Governor Davis states the need to use "latest planning assumptions." The January 2001 joint guidance memorandum states "All conformity determinations must be based on the latest AVAILABLE planning assumptions IN FORCE at the time of the conformity determination" (emphasis added). While the transportation planning agencies have the responsibility to ensure that the information they use regarding such factors as regional population, employment, travel, and congestion is current, they must rely on the air quality regulatory agencies to develop and approve the appropriate emissions model for use with their transportation models. We believe that in further examination of the facts, it is reasonable to conclude that if a model has not been approved for use in an area, or data cannot be used without significant modification to the model or after-the fact "correction" of the results of its use, then that model is neither "available" nor "in force."

ISTEA and TEA21 correctly reinforced the linkage between transportation and air quality. Your careful consideration of the issues in discharging your conformity responsibilities has once again spotlighted the need for state and federal transportation and air quality agencies to work together to update our planning and analysis tools so that we can provide the public mobility AND protect the public's health over the long term. The Department of Transportation is committed to working with the California Air Resources Board and our federal partners to achieve these goals in future transportation and air quality plan updates.

We request that you reconsider your conclusions regarding conformity determinations expressed in your February 1 letter in light of the information provided by COFCG. We believe it is reasonable to conclude that COFCG and many other metropolitan planning organizations in California for whom you must make conformity determinations in the near future have complied with the letter and the spirit of the applicable laws and guidance.

Sincerely,


JEFF MORALES
Director



Air Resources Board



Winston H. Hickox
Agency Secretary

Alan C. Lloyd, Ph.D.
Chairman

1001 I Street • P.O. Box 2815 • Sacramento, California 95812 • www.arb.ca.gov

Gray Davis
Governor

February 20, 2002

Mr. Michael Ritchie
California Division Administrator
Federal Highway Administration
980 9th Street, Suite 400
Sacramento, California 95814-2724

Mr. Leslie Rogers
Regional Administrator
Federal Transit Administration
201 Mission Street
Room 2210
San Francisco, California 94105-1839

Dear Messrs. Ritchie and Rogers:

The purpose of this letter is to clarify what information was available for use in the conformity analyses that support the Regional Transportation Plans (RTPs) or Federal Transportation Improvement Programs (FTIPs) approved by local agencies and currently pending approval by your offices. These RTPs and FTIPs were developed using the most recent vehicle age distribution and fleet mix data available for conformity analyses in these areas. In the analyses, each area relied on the version of the Air Resources Board's (ARB or Board) motor vehicle emissions model (EMFAC7F) that corresponds to the model utilized in the area's approved State Implementation Plan (SIP). This has been the practice for all California conformity analyses since the requirements resulting from the 1990 Amendments to the Clean Air Act took effect.

The local transportation agencies updated travel-related activity information as part of each conformity analysis. ARB provided factors external to the emission models to reflect changes in the effectiveness of California's motor vehicle control program. The conformity analyses used the existing vehicle age distribution and fleet mix data that are an integral part of the EMFAC7F model. Those data represent the latest information available for use in these conformity analyses.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>

California Environmental Protection Agency

Messrs. Michael Ritchie and Leslie Rogers
February 20, 2002
Page 2

We also recognize the need in the future to incorporate more recent information in both SIPs and conformity analyses. The SIP development process is the mechanism for addressing the universe of changes to emissions estimates for vehicles and all other sources that contribute to nonattainment. Review of the best information for the entire emissions inventory (rather than the transportation sector in isolation) through the SIP development process enables a region to make fully informed air quality decisions.

We have reached the point in California where comprehensive revisions to our 1990s era SIPs are needed – ARB and several air districts have begun building the technical foundation for this process. New SIPs will be based on the latest science and rely on an improved version of ARB's vehicle emissions model. This improvement will include recent age and fleet data as part of the new model, which will be subject to public comment and approval by the Board for use in SIPs and conformity. We will be working with local air and transportation agencies in California to expedite the SIP development process, while making use of recent air quality studies conducted in California. The process includes public participation and time to secure approval of revised SIPs at the local, State, and federal levels. We expect that the U.S. Environmental Protection Agency would also expedite action on the revised SIPs and complete its rulemaking within the 18 months allowed by the Clean Air Act.

Until revised SIPs and budgets are established by local, State, and federal action, conformity analyses must continue to rely on the applicable EMFAC model used in the region's SIP. The ARB-approved EMFAC7F model and its successor (EMFAC7G) include the latest information available for use in these conformity analyses.

If you have any questions, please call me at (916) 322-7236.

Sincerely,

Ms. Cynthia Marvin, Chief
Air Quality and Transportation Planning Branch

cc: See next page.

Messrs. Michael Ritchie and Leslie Rogers
February 20, 2002
Page 3

cc: Mr. Bob Larson
Regional Programs Division
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
2565 Plymouth Road
Ann Arbor, Michigan 48105-2425

Mr. Brian J. Smith
Planning and Modal Programs
California Department of Transportation
P.O. Box 942874
Sacramento, California 94274-0001

Ms. Amy Zimpfer
Air Division
Region IX
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
980 Ninth Street, Suite 400
Sacramento, CA. 95814-2724

FEB 22 2002

IN REPLY REFER TO
HDA-CA
File #: 1040.2
Document #: S38095

Ms. Barbara Goodwin, Executive Director
Council of Fresno County Governments
2100 Tulare Street, Suite 619
Fresno, CA 93721-2111

Dear Ms. Goodwin:

SUBJECT: COFCG 2001 RTP Conformity Determination & 2000/01 FTIP Conformity Redetermination

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed our review of the conformity determination for the Council of Fresno County Government's (COFCG) 2001 Regional Transportation Plan (RTP) and the conformity redetermination for the 2000/01-2002/03 Federal Transportation Improvement Program (FTIP) through Amendment No. 16. A joint FHWA/FTA air quality conformity determination for the RTP is required by 40 CFR 93.104 and 23 CFR 450.322 of the FHWA/FTA Statewide and Metropolitan Planning Rule.

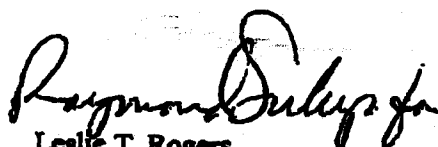
On February 1, 2002, we notified Governor Gray Davis of a potential conformity lapse because of the vehicle age and fleet mix data used in the COFCG conformity analysis. Since that time California Air Resources Board (CARB) has further clarified the issues with incorporating more current data into the EMFAC model, and there is still uncertainty as to when or if this can be done correctly. We have consulted with the Environmental Protection Agency (EPA), and in accordance with our January 18, 2001, guidance we have accepted this as justification for not requiring more current information at this time. We therefore find that COFCG has used the most recent planning assumptions that are available for conformity determinations. We will continue to work with CARB and EPA to assure that actions are taken to provide newer data, including appropriate revisions to the State Implementation Plan, as expeditiously as possible.

COFCG submitted the 2001 RTP conformity determination and 2000/01 FTIP conformity redetermination to FHWA/FTA on December 12, 2001. The conformity analysis provided by COFCG indicates that all air quality conformity requirements have been met. Based on our review, we find that both the 2001 RTP and the FTIP through Amendment No. 16 conform to the applicable state implementation plans, and accept this air quality determination in accordance with the provisions of 40 CFR 51 and 93 and with USDOT's January 2, 2002, guidance,

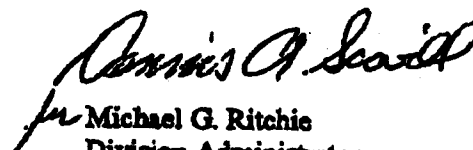
Additional Supplemental Guidance for the Implementation of the Circuit Court Decision Affecting Transportation Conformity. This finding was made after consultation with the EPA pursuant to 40 CFR 51 and 93.

Please note that the current FTIP expires on October 6, 2002, and that a new FTIP must be submitted to FHWA/FTA and a new conformity determination made before that date.

Sincerely,



Leslie T. Rogers
Regional Administrator
Federal Transit Administration



Michael G. Ritchie
Division Administrator
Federal Highway Administration

cc:

Honorable Gray Davis
COFCG RTP and FTIP Binders
FSTIP Binder
FTA, Paul Page
EPA, Karina O'Connor
CARB, Doug Ito

Caltrans:

Federal Resource Branch, Dick Petrie (MS 23)
Office of Local Programs, Terry Abbott (MS 1)
Environmental Program, Mike Brady (MS 27)
Transportation Programming, Rambabu Bavirisetty (FAX: 916-654-2738)



**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
980 Ninth Street, Suite 400
Sacramento, CA. 95814-2724
April 8, 2002**

IN REPLY REFER TO
HDA-CA Document
#:38495

Mr. Michael P. Kenny, Executive Officer
California Air Resources Board
1001 I Street
Sacramento, CA 95812

Dear Mr. Kenny:

Attention: Ms. Cynthia Marvin, Air Quality and Transportation Planning Branch Chief

SUBJECT: Use of the Latest Planning Assumptions - Vehicle Age and Fleet Mix Data

This letter is written in response to your February 20, 2002, letter addressing the use of the most recent vehicle age distribution and fleet mix data available for conformity determinations. The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) are in agreement with your assessment that the long-term mechanism for addressing the universe of changes to emission estimates (both stationary and mobile) is through the State Implementation Plan (SIP) revision process. Your letter states that the Air Resources Board (ARB) is working with the local air and transportation agencies to expedite the SIP development process. FHWA and FTA fully support the SIP updates and strongly encourage that SIP revisions be initiated as expeditiously as possible. We are looking forward to working with ARB, Caltrans, local air and transportation agencies, and other interested parties as you move forward on the SIP revisions.

The January 18, 2001, Environmental Protection Agency (EPA) and the US Department of Transportation joint guidance on the use of the latest planning assumptions in conformity determinations, provides clarification of Section 176(c)(1) of the Clean Air Act and 40 CFR 93.110. The latest planning assumptions requirements apply to all assumptions used in demonstrating conformity, including vehicle age and fleet mix assumptions, which are used in transportation demand and emissions modeling. The guidance recognizes the importance of updating assumptions if the characteristics of the fleet have significantly changed from the assumptions that are currently being used for conformity.

SIP revisions, for all areas using the older data contained in the EMFAC7F/G emissions model, could take several years. FHWA/FTA cannot support delaying the incorporation of more recent vehicle age and fleet mix data into the EMFAC emissions model and corresponding conformity analyses until the SIP revisions are complete. The data in the EMFAC7F/G model is already nearly 10 years old and newer data will likely reflect significant changes in vehicle age and fleet mix. Continuing to use this data for another four or five years that it could take to complete the SIP revisions, including EPA approvals, is not an acceptable approach.

We have been working with ARB since last fall on incorporating more recent vehicle data into the EMFAC emissions model. However, to date, ARB has not provided the more recent data for any of the non-attainment areas in the State. We recognize the difficult technical and internal processes necessary to make this data available, but do not believe that it is reasonable to delay its availability for use in future conformity determinations.

We request that by April 15, 2002, you provide us with a date by which the most recent vehicle age distribution and fleet mix data can be made available for conformity purposes, as well as the reasons supporting the selection of that date. ARB staff have indicated that there are different approaches to making the data available for use in conformity determinations, including (i) update the EMFAC7F/G model with the more recent data or (ii) making a more recent version of the EMFAC model, which contains the more recent data, available. FHWA and FTA find either approach acceptable and leave it to the State and MPOs to propose which approach best meets their needs.

FHWA and FTA's position is that the latest planning assumptions, including vehicle age distribution and fleet mix, need to be reflected in the conformity determinations. Consistent with comments by ARB staff, we expect that under either approach mentioned above, the data could be provided within a relatively short period of time. Therefore, without further justification, FHWA and FTA do not expect to continue to make conformity determinations that are based on a regional emissions analysis that used the old data. We will consider your response to this letter, which should provide us with a date, and supporting reasons, by which the most recent vehicle age distribution and fleet mix data can be made available for conformity purposes, and will then establish a date after which we would no longer make conformity determinations based on old data.

We will continue to work with EPA, ARB, Caltrans, the MPOs, local air and transportation agencies, and other interested parties to evaluate options that work to incorporate the more recent vehicle data into the regional emissions analysis. We will also continue to support and encourage ARB's efforts in expediting the SIP revisions. If you have any questions or would like to arrange a meeting to further discuss these issues, please contact Sue Kiser, FHWA at (916) 498-5009 or Ray Sukys, FTA at (415) 744-3115.

Sincerely,

Leslie T. Rogers
Regional Administrator
Federal Transit Administration

Michael G. Ritchie
Division Administrator
Federal Highway Administration

cc:

Honorable Gray Davis, Governor
Wayne Nastri, Administrator, Region 9, EPA
Jack P. Broadbent, Director, Air Division, EPA
Jeff Morales, Director, CA Department of Transportation
Brian Smith, Environmental Programs, CA DOT
Jim Shrouds, FHWA Headquarters (HEPN-1)
Robert O'Loughlin, Air Quality Specialist, FHWA, WRC
Non-attainment MPOs:

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COFCG
KCOG
Kings Co

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MTC
SACOG
SANDAG
SJCOG

SBCAG
SCAG
StanCOG
Tahoe MPO
Madera Co